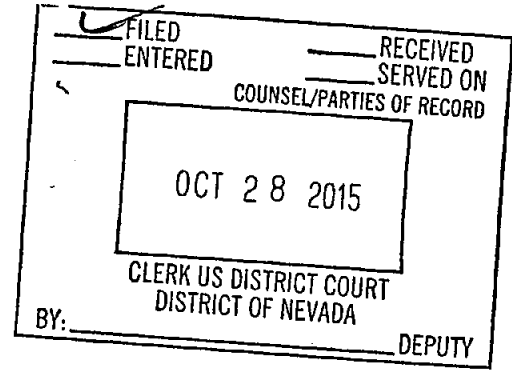


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Attorneys for Plaintiff/Counterdefendant  
7 Western Surety Company



8 **IN THE UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 WESTERN SURETY COMPANY,

11 Plaintiff,

12 v.

13 S3H, INC.; a Nevada corporation; VATCHE  
14 SARKOYAN, an individual; ARLENE  
15 SARKOYAN, an individual; DOE INDIVIDUALS  
1 THROUGH 10; ROE BUSINESS ENTITIES 11  
THROUGH 20;

16 Defendants.

17 AND ALL RELATED MATTERS.

Case No.: 2:14-cv-02056-GMN-PAL

**MOTION TO EXTEND DEADLINE FOR  
DISPOSITIVE MOTIONS AND PRE-  
TRIAL ORDER**

**(Third Request)**

18 Under LR 26-4, Plaintiff/Counterdefendant Western Surety Company moves for an order  
19 extending the deadlines for dispositive motions and the pre-trial order as established under the court's  
20 scheduling order dated June 9, 2015 (Dkt. #20). Good cause exists under the specific circumstances of  
21 this case as set forth below.

22 ///

23 ///

24 ///

1     **A. Discovery Completed**

2             **1. Written Discovery**

3             Western served interrogatory requests, requests for production of documents, and requests for  
4     admission on Defendants S3H, Vatche Sarkoyan, and Arlene Sarkoyan in accordance with the court's  
5     order dated July 27, 2015 (Dkt. #27). Each of the defendants served responses to these requests.

6     However, Western has notified the Defendants of deficiencies in their responses. These outstanding  
7     deficiencies will either be resolved between the parties or will be presented to the court for resolution.

8             The Defendants also served interrogatory requests, requests for production of documents, and  
9     requests for admission on Western in accordance with the July 27 order. Western has responded to  
10    these requests. The Defendants raised issues as to Western's responses at one point in time. However,  
11    Western believes these issues have been resolved by facilitating the inspection of Western's  
12    documents in electronic format.

13            **2. Depositions**

14            Western has taken the depositions of Vatche Sarkoyan, Eric Hone, and Charles Bennion. Due  
15    to deficiencies in the Defendants' responses to Western's written discovery requests, Western has  
16    specifically reserved the right to further depose Vatche Sarkoyan. To date, the parties have not reached  
17    an agreement on that issue.

18            The Defendants have taken the depositions of Mark McKibbin and Kurt Kraemer. These  
19    depositions took place in Portland, Oregon. Kurt Kraemer is a third-party witness and could not be  
20    compelled to attend a deposition in Las Vegas. Mark McKibbin voluntarily appeared in Portland at the  
21    request and convenience of the Defendants. The Defendants have reserved the right to further depose  
22    Mark McKibbin due to allegations that Western's documents were not received with sufficient time to  
23    allow the Defendants to prepare for the deposition. To date, the parties have not reached an agreement  
24    on that issue.

1 **B. Discovery Remaining**

2 Presently, the discovery deadline has closed. Western is not requesting that discovery be  
3 reopened at this time. The parties (less Arlene Sarkoyan) participated in a court ordered settlement  
4 conference before Judge Leen on October 23, 2015. There was at least some hope between counsel  
5 that this case could be resolved through the settlement conference. This was not the case. Thus, the  
6 parties will likely be discussing whether additional discovery should be taken but the respective  
7 counsel have been unable to connect on this issue. These discussions were not had prior to the  
8 conference in order to avoid costs and, perhaps more importantly, to prevent any unnecessary  
9 frustration between the parties that would be a natural part of the discovery dispute negotiations.

10 As for specific outstanding discovery, Western noticed the deposition of Arlene Sarkoyan to  
11 take place within the deadlines provided by the Court's October 9, 2015 order which extended the  
12 discovery deadlines for depositions only. (Dkt. #31). Because Arlene was out of the country, this  
13 deposition did not take place and the parties agreed that Western would be permitted to take her  
14 deposition after the settlement conference. However, as mentioned above, this motion is not requesting  
15 the reopening of discovery at this time. Western will attempt to have this discussion with Defendants'  
16 counsel prior to taking the issue to the court.

17 **C. Reasons why Discovery Remains to be Completed.**

18 This motion relates only to the deadlines for dispositive motions and the pre-trial order. These  
19 deadlines are presently set forth in the court's June 9 order (Dkt. #20). In this order, the dispositive  
20 motion deadline was October 4, 2015 and the pre-trial order is due on November 3, 2015.

21 On July 27, 2015, the court issued an order (Dkt. #27) extending the written discovery,  
22 deposition, and expert deadlines. Discovery responses were due September 4, 2015; depositions were  
23 due by October 4, 2015 (subsequently extended to October 14 (Dkt. #31)); and initial expert disclosure  
24

1 deadline is scheduled for November 23, 2015. However, the July 27, 2015 order did not change the  
2 dispositive motion or pre-trial order deadlines.

3 **D. Proposed Schedule**

4 Western proposes the following schedule for the dispositive and pre-trial deadlines.

| Activity                   | Prior Deadline    | Proposed Deadline |
|----------------------------|-------------------|-------------------|
| Expert Disclosure          | November 23, 2015 | November 23, 2015 |
| Rebuttal Expert Disclosure | December 23, 2015 | December 23, 2015 |
| Dispositive Motions        | October 4, 2015   | January 22, 2016  |
| Pre-Trial Order            | November 3, 2015  | February 21, 2016 |

8 In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended  
9 until thirty (30) days after decision of the dispositive motions or further order of the Court. The  
10 disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereof shall be included in the  
11 pretrial order. All other deadlines will remain as previously ordered.

12 DATED this 28<sup>th</sup> day of October, 2015.

13 THE FAUX LAW GROUP

14 

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Attorneys for Western Surety Company

18  
19 **IT IS SO ORDERED:**

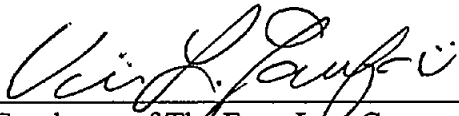
20   
21 UNITED STATES MAGISTRATE JUDGE

22 DATED: November 20, 2015

**CERTIFICATE OF SERVICE**

The undersigned, an employee of The Faux Law Group, hereby certifies that on the 28<sup>th</sup> day of October, 2015, I served a copy of the foregoing document, **MOTION TO EXTEND DEADLINE FOR DISPOSITIVE MOTIONS AND PRE-TRIAL ORDER**, by CM/ECF and by placing the same in the U.S. Mail at Henderson, Nevada, said envelope(s) addressed to:

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An Employee of The Faux Law Group